

**BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 17-004
AUTHORIZING ELECTRONIC WARRANT APPLICATIONS**

WHEREAS, Substitute Senate Bill 6279, Chapter 93 authorizes the courts in this state to consider warrant applications submitted electronically; and

WHEREAS, CrR 2.2 and 2.3 have been amended by the Supreme Court implementing the provisions of Substitute Senate Bill 6279, Chapter 93; and

WHEREAS, based upon a pilot program that was implemented in 2014, the feasibility of electronically submitted warrant applications has been demonstrated.

NOW THEREFORE, BE IT RESOLVED, that effective October 1, 2017, Benton Franklin Counties Superior Court shall accept for consideration warrants submitted electronically as a pilot program subject to the following:

1. **Types of Warrants:** Only warrant applications may be submitted electronically. Applications for Pen Register/Trap and Trace Orders authorized under RCW 9.73.260, and other similar orders, cannot be submitted electronically. Emergency and non-emergency warrant applications may be submitted electronically.
2. **Hours Available: Non-emergency.** Non-emergency electronic warrant applications will be reviewed during business hours. Applications for non-emergency warrants can be submitted at any time. The applicant shall not call either Court Administration or a judicial officer to bring the application to the attention of a judicial officer. Rather, the applicant should simply send the application to the e-mail address stated below, and wait for a response.
3. **Hours Available: Emergency.** Applications for emergency or time-sensitive warrants may be submitted at any time. They are initiated by the submission of

an application electronically with the word "EMERGENCY" in the subject line. The officer submitting the application may either immediately call a judicial officer, or may wait to see whether or not the application is reviewed without a call. Calls to judicial officers during business hours will be to his/her cellular telephone number. Calls to judicial officers after business hours will be to his/her cellular or home telephone number. (Telephone numbers and the names of participating judicial officers are in the confidential contact list). The timing of the call is left entirely within the discretion of the officer. Not all judicial officers will accept warrant applications electronically. Law enforcement officers desiring to submit emergency or time-sensitive warrant applications electronically may only do so by contacting a judge participating in the pilot project.

During business hours law enforcement officers still have the option of coming to Court Administration and requesting an in-person presentation to a judicial officer, subject to the availability of a judicial officer.

4. **Law Enforcement Agencies:** All law enforcement agencies in Benton and Franklin Counties, including the Washington State Patrol, may submit electronic warrant application, as a pilot project.
5. **Sworn Testimony:** Applications will not be supported by affidavits. Rather, applications will be supported by declarations, as authorized under RCW 9A.72.085. The Prosecuting Attorneys offices in Benton and Franklin Counties will develop the necessary forms.
 - a. **Declaration Requirements.** Declarations must:
 - (a) Recite that it is certified or declared by the person to be true under penalty of perjury;
 - (b) Be subscribed by the person;
 - (c) State the date and place of its execution; and

(d) State that it is so certified or declared under the laws of the state of Washington.

b. Certification. The certification or declaration should be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct":

(Date and Place of
Signing)

(Signature)

b. Subscription: A person "subscribes" declaration by:

(a) Affixing or placing his or her signature as defined in RCW 9A.04.110 on the document;

(b) Attaching or logically associating his or her digital signature or electronic signature as defined in RCW 19.34.020 to the document;

(c) Affixing or logically associating his or her signature in the manner described in general rule 30 to the document if he or she is a licensed attorney; or

(d) Affixing or logically associating his or her full name, department or agency, and badge or personnel number to any document that is electronically submitted to a court, a prosecutor, or a magistrate from an electronic device that is owned, issued, or maintained by a criminal justice agency if he or she is a law enforcement officer.

6. **Email Address:** Benton County IT has created a single address for all electronic warrant applications. Warrant applications may be sent only to searchwarrants@co.benton.wa.us. Outlook will be configured to automatically forward the emails to the judicial officers participating in the pilot project.

7. **Stale Warrant Applications:** Warrant applications will become stale after 48 hours, excluding weekends and holidays. At the expiration of that period, the submitting officer will recall the message in Outlook. The officers can then re-submit it with a new e-mail, call for a telephonic warrant, or travel to the courthouse or travel to a judicial officer's location.
8. **Requests for Clarification:** If further information is necessary, the judicial officer will e-mail the officer requesting clarification, or arrange for a telephone call to discuss the matter. The officer's response must be in the form of a revised signed declaration and/or warrant.
9. **Judicial Officer Participation:** This pilot project is being conducted only in Benton Franklin Counties Superior Court. District and municipal court judicial officers are not participating. Only those superior court judicial officers that consent to participate will review warrants submitted electronically. The participating judicial officers are identified on the confidential contact list.
10. **Judicial Officer Duplication of Efforts:** The first judicial officer to read an application must immediately send a message to other judicial officers advising of such. This will prevent two judicial officers from reviewing the same warrant application.
11. **Signing of Warrants:** The judicial officer will not sign a warrant. He/she will authorize the officer to do so on behalf of the judicial officer.
12. **Naming of Attachments.** Unique names will be assigned to all documents attached to e-mail applications for warrants, using the following naming protocol: Document description, followed by a dash, followed by agency initials, followed by a dash, followed by the case number, followed by a dash, followed by a digit identifying whether it is the first, second or third, etc. warrant application for the case. Where the application and warrant are submitted as a single

attachment, the document description shall be "Application and Warrant".

Examples: "Warrant Application-FCSO-13-058546-1" and "Application and Warrant-FCSO-13-058546-1".

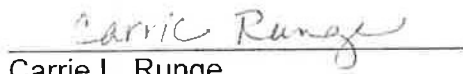
13. Filing Documents with Clerk: Every document created in the process, including e-mails, declarations, warrants, draft warrants, draft declaration and return will be filed with the appropriate superior court clerk. If a warrant is recalled for any reason and re-submitted, all e-mails, with attachments, and other documents associated therewith shall be filed with the appropriate superior court clerk, as well.

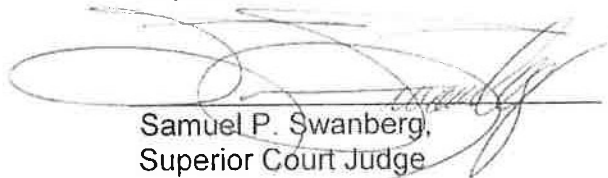
14. Process Monitoring. Experience has shown that existing stock warrant forms often contain language which results in the requested warrant being overbroad. This language is regularly modified at the request of an issuing judge, but the existing stock warrant forms apparently remain unchanged. Therefore, whenever a judicial officer requires substantial revision to a warrant, it is requested that the officer forward the judge's response to his/her supervisor. The supervisor will be responsible for reviewing warrant applications to identify, and then remedy, systemic problems. It is requested that every law enforcement agency appoint one or more supervisors to perform the monitoring function described above.

DATED this 5th day of October, 2017.


Alexander C. Ekstrom,
Presiding Judge-Superior Court


Bruce A. Spanner,
Assistant Presiding Judge
Superior Court


Carrie L. Runge
Superior Court Judge


Samuel P. Swanberg,
Superior Court Judge

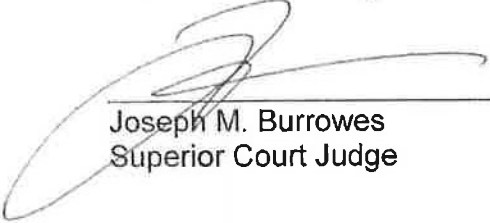
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Cameron Mitchell,
Superior Court Judge



Jacqueline J. Shea-Brown,
Superior Court Judge



Joseph M. Burrowes
Superior Court Judge